

(50)

Entered - 03/29/00 - sb
CL00L0186 - DIANNE C. MITCHELL

00- R -0787

CLAIM OF: PERMANENT GENERAL INSURANCE

COMPANIES, INC. AS SUBROGEE OF

WILLIE A. SMITH,

through its attorney,

William L. Kidd

Suite 304

3200 Peachtree Industrial Boulevard

Duluth, Georgia 30096

For damages alleged to have been sustained as a
result of a vehicular accident on January 10, 1998
at 1243 Hill Street, SE.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVANCE REPORT

COM. *Public Safety*

DATE *5/30/2000*

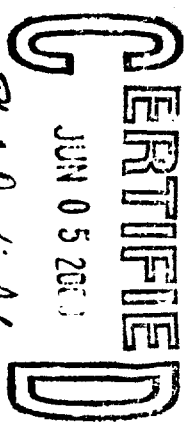
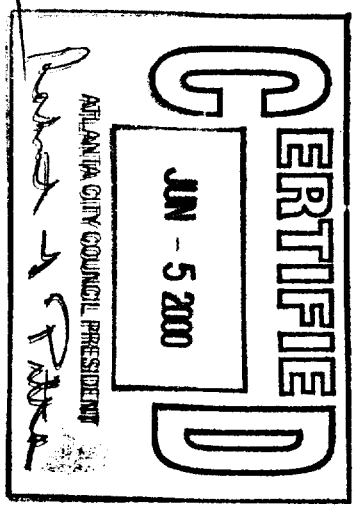
CHM. *C. M. Smith*

William L. Kidd

William L. Kidd

William L. Kidd

William L. Kidd



ADVISED BY
CITY COUNCIL JUN 05 2000



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 16, 2000

William L. Kidd
Attorney at Law
3200 Peachtree Industrial Blvd.
Suite 304
Duluth, GA 30096

00-R-0787

RE: Permanent General Insurance Companies, Inc.
as subrogee of Willie A. Smith

Dear Attorney Kidd:

I sincerely regret that your clients have been adversely affected by the circumstances raised in their claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 05, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0186

Date: May 11, 2000

Claimant /Victim PERMANENT GENERAL INSURANCE COMPANIES, INC. AS SUBROGEE OF WILLIE A. SMITH
BY: (Atty) William L. Kidd
Address: Suite 304, 3200 Peachtree Industrial Boulevard, Duluth, Georgia 3096
Subrogation: X Claim for Property damage \$ 1,170.23 Bodily Injury \$ _____
Date of Notice: 03/21/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/10/98 Place: 1243 Hill Street, SE
Department Police Division: _____
Employee involved Peter Coleman Disciplinary Action: _____

NATURE OF CLAIM: The driver of the City vehicle attempted to pass the claimant as he was turning causing the collision. However, a previous claim made directly by the claimant's insured, Willie A. Smith, has been settled for the maximum amount allowed to settle vehicular accident claims. See Claim Number 98L0093.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver X Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

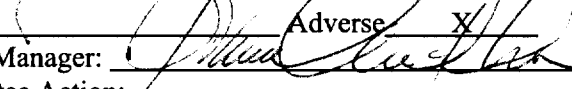
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 05-11-00
Committee Action: _____ Council Action _____

LAW OFFICES
WILLIAM L. KIDD, P. C.
3200 PEACHTREE INDUSTRIAL BOULEVARD
SUITE 304
DULUTH, GEORGIA 30096
(770) 476-2076

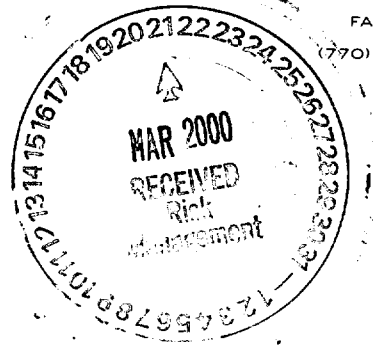
WILLIAM L. KIDD

Mitchell
03/27/00
DM

February 22, 2000

ENTERED - 3-29-00 - SB
00L0186 - DIANNE MITCHELL

Attn: Risk Management
City of Atlanta Police Department
City Hall East, Ninth Floor
675 Ponce de Leon Avenue
Atlanta, Georgia 30308



FACSIMILE
(770) 476-0229

Re:	Our client:	Permanent General Insurance Companies, Inc.
	Insured:	Willie A. Smith
	Claim No.:	GA 6109387-01
	Your insured:	Peter Coleman
	Vehicle No.:	14053
	Date of Loss:	January 10, 1998

Dear Sir/Madam:

This firm has been retained by Permanent General Insurance Companies, Inc. to pursue its subrogation claim against Peter Coleman for the damages caused by your insured in the total amount of \$1,170.23. Our investigation of this matter leads us to conclude that your insured, Peter Coleman, is the liable party.

Please consider this letter as notice and demand for payment of our client's subrogation claim in the amount of \$1,170.23, which includes any applicable deductible. Copies of our client's documentation supporting this claim are enclosed. Please forward your draft payable to Permanent General Insurance Companies, Inc. to my attention at the above address.

I appreciate your cooperation in this regard and look forward to a prompt resolution of this matter.

Best regards.

Very truly yours,

WILLIAM L. KIDD, P.C.

00- *R* -0787

William L. Kidd

William L. Kidd

WLK/kyk
Enclosures

cc: Mr. John R. Paris, Permanent General Insurance Companies, Inc.

RCS# 1981
6/05/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 10)

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0662

06/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0590 2. 00-O-0677 3. 00-O-0712 4. 00-O-0752 5. 00-O-0592 6. 00-O-0593 7. 00-O-0594 8. 00-O-0625 9. 00-O-0666 10. 00-O-0673 11. 00-O-0722 12. 00-O-0724 13. 00-O-0725 14. 00-O-0730 15. 00-O-0589 16. 00-O-0713 17. 00-O-0714 18. 00-O-0715 19. 00-O-0716 20. 00-R-0753 21. 00-R-0794 22. 00-R-0761 23. 00-R-0719 24. 00-R-0763 25. 00-R-0764 26. 00-R-0762 27. 00-R-0765 28. 00-R-0766 29. 00-R-0768 30. 00-R-0769 31. 00-R-0770 32. 00-R-0771 33. 00-R-0772 34. 00-R-0773 35. 00-R-0774 36. 00-R-0783 37. 00-R-0784 38. 00-R-0785 	<ol style="list-style-type: none"> 39. 00-R-0775 40. 00-R-0776 41. 00-R-0777 42. 00-R-0778 43. 00-R-0779 44. 00-R-0780 45. 00-R-0781 46. 00-R-0782 47. 00-R-0786 48. 00-R-0787 49. 00-R-0788 50. 00-R-0789 51. 00-R-0790 52. 00-R-0791 53. 00-R-0792 54. 00-R-0793